

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

| | | |
|-----------------------------------|---|------------------------------|
| Gary C. Mayfield, |) | Civil Action No. 2:14-14-BHH |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER AND OPINION |
| |) | |
| Dr. Neville; Nurse Fulton; Warden |) | |
| Bush; Dr. Moore; Sgt. Jenkins; |) | |
| Counselor Breon, |) | |
| Lt. Kirkland, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

Plaintiff Gary C. Mayfield (“the plaintiff”), proceeding *pro se*, brought this action pursuant to Title 42, United States Code, Section 1983. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B), D.S.C., this matter was referred to United States Magistrate Judge Wallace W. Dixon for pre-trial handling and a Report and Recommendation (“Report”).

This matter is before the Court on the defendants’ motion for summary judgment which was filed on September 23, 2014. (ECF No. 55.) The plaintiff filed no response to the defendants’ motion for summary judgment. On November 13, 2014, Magistrate Judge Dixon issued a Report recommending that the defendant’s motion for summary judgment be granted for failure to comply with the Prison Litigation Reform Act’s exhaustion requirement for all matters except for the pain medication allegation, and because the defendants are entitled to qualified immunity. (ECF No. 59 at 10.). The Magistrate Judge advised the plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. (ECF No. 59 at 11.) The plaintiff filed no objections and the time for doing so expired on December 4, 2014.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. *Mathews v. Weber*, 423 U.S. 261, 270, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The Court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is DISMISSED with prejudice.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

December 15, 2014
Greenville, South Carolina